

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
KELLEY AMADEI, :
:
Plaintiff, : 17-CV-05967 (NGG)
:
v. : 225 Cadman Plaza East
:
DUKE, et al., : Brooklyn, New York
:
Defendants. : January 25, 2018
:
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TRANSCRIPT OF CIVIL CAUSE FOR INITIAL CONFERENCE
BEFORE THE HONORABLE VERA M. SCANLON
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

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1 they're seeking damages or they're seeking anything like that
2 or where they're even are pleading that this has happened to
3 them on multiple occasions. They're frequent flyers and they
4 allege that this happened to them one time a year ago, so it's
5 not --

6 THE COURT: But doesn't that mean that the scope of
7 discovery is fairly narrow at least with regard to the
8 incident --

9 MS. OLDS: Actually, no.

10 THE COURT: -- not as to the policy but -- why?

11 MS. OLDS: Because -- well, with respect to the --

12 THE COURT: Or non-policy, um-hum.

13 MS. OLDS: Exactly. I mean, I anticipate that
14 they're going to ask a lot of questions about the workings of
15 CPP and its officers and we're trying to establish that there
16 is such a policy.

17 THE COURT: All right.

18 MS. OLDS: And so that's why I think discovery is
19 going to be broad, why I think that there'll be -- that it
20 will be burdensome.

21 THE COURT: I'm not -- why is it burdensome? It's a
22 specific event related to the plaintiff and then maybe the
23 policy -- non-policy question could be broad, but why is that
24 burdensome? I mean, if -- that's a case that seems fairly
25 focused. Not unlike the ones you handled when you're working

1 on the merits.

2 THE COURT: All right.

3 MS. OLDS: I think those two things weigh in our
4 favor as far as discovery being stayed until the motion is
5 free to decide it.

6 THE COURT: All right. So I'm not going to stay
7 discovery. I don't see it as being burdensome to the
8 Government. If it turns out once you've had a substantive
9 discussion about what's needed maybe you can have a schedule
10 that stages this so that you speak about -- you deal with the
11 questions related to the incident and work your way into this
12 question of whether there is a policy, wasn't a policy,
13 whatever it is.

14 But it doesn't seem like a particularly difficult
15 case. And I agree with the plaintiff's counsel that memories
16 fade and that seems like a good reason to move ahead, at least
17 on the particular factual questions with regard to this -- the
18 plaintiffs' experiences.

19 If it becomes too difficult, then you can raise that
20 issue again. You can raise this with the district judge when
21 he considers the pre-motion conference letters and, you know,
22 what -- if -- what the briefing schedules should be and what
23 the issue are, but it seems to me this should go ahead.

24 So what about the point that I asked plaintiffs'
25 counsel about, which is they propose a schedule that's tied